

TENNESSEE REAL ESTATE COMMISSION MINUTES
November 7, 2007

The Tennessee Real Estate Commission convened on November 7, 2007, at 10:16 a.m., in Room 160, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. The following **Commission Members were present: Chairman Charles Haynes, Vice Chairman William (Bear) Stephenson, Commissioner Isaac Northern, Commissioner Grover Collins, Commissioner Wendell Alexander, Commissioner Carol Tate, and Commissioner David Flitcroft. Commissioner Gary Cunningham was absent. Others Present: Eve Maxwell, Executive Director, Kathryn Wiseman, Staff Attorney, and Kelly McDermott, Administrative Secretary.**

The first order of business was the adoption of the revised 2008 Commission meeting schedule **(Exhibit 1). Commissioner Alexander made a motion to adopt the revised meeting schedule; seconded by Commissioner Northern; Opened to discussion;** Chairman Haynes suggested that the March meeting be held at the Sumner County Administration Building to accommodate attendees and participants of the 40 plus year licensee recognition breakfast for Middle Tennessee; **Motion Carried.**

The next order of business was the adoption of the agenda **(Exhibit 2)** for the November 2007 Commission meeting. Ms. McDermott made the following changes to the agenda: Pamala Freels' informal conference was deleted from the agenda and licensee requests were added for Jennifer Leigh Johnson and David Connors; **Commissioner Alexander made a motion to adopt the agenda; seconded by Commissioner Northern; Motion Carried.**

The next order of business was the approval of the minutes from the October 2007 meeting **(Exhibit 3). Commissioner Flitcroft made a motion to approve the October 2007 minutes; seconded by Commissioner Northern; Motion Carried.**

Vice-Chairman Stephenson and Ms. Wiseman were absent from the room holding an informal conference. Therefore, the Commission chose to hear licensee requests and make commissioner reports until they entered the meeting.

Commissioner Flitcroft explained the format of the meeting to the attendees.

Commissioner Collins gave a report on his audit of the continuing education class offered by NAIOP. The class was a bus tour of five counties and presented information on industrial, office, and mixed use properties. Commissioner Collins and Dr. Kathy Riggs, TREC's Education Director, attended the tour to determine if education provided should be TREC approved. Commissioner Collins stated that it was very informative and he encourages all licensees to attend the class for continuing education.

Commissioner Alexander thanked the Commission and the staff for their hard work preparing for the East Tennessee Commission meeting and 40 plus year longevity breakfast in Knoxville in October.

LICENSEE/APPLICANT REQUESTS

Kelly McGalliard, potential applicant, requested that the Commission consider her request to extend the passing state portion of her exam past the six month time limit. **Commissioner**

Alexander made a motion to deny; seconded by Commissioner Collins; Motion Carried; Vice-Chairman Stephenson and Ms. Wiseman entered the meeting at 10:23 a.m.
Commissioner Stephenson abstained from the vote.

James Paul Jennings, applicant, 315310, requested a waiver of the 50 mile rule.
Commissioner Collins made a motion to approve; seconded by Commissioner Alexander; Motion Carried.

Keryl "Kelly" West, applicant, 315530, requested a waiver of the 50 mile rule.
Commissioner Collins made a motion to approve; seconded by Commissioner Northern; Motion Carried.

Jennifer Leigh Johnson, applicant, 315442, requested a waiver of the 50 mile rule.
Commissioner Collins made a motion to approve; seconded by Commissioner Alexander; Motion Carried.

David Connors, applicant, 315478, requested a waiver of the 50 mile rule. **Commissioner Northern made a motion to approve; seconded by Commissioner Alexander; Motion Carried.**

INFORMAL APPLICANT CONFERENCES

Timothy Ludwig, applicant, 315101, appeared with his Principal Broker Vonya Goulooze to request licensure as an Affiliate Broker. Mr. Ludwig disclosed three felony convictions for 3 counts of Delivery of Dangerous Drugs in 1971. **Commissioner Collins made a motion to approve; Motion failed for lack of second; Opened to discussion; Commissioner Flitcroft made a motion to approve, seconded by Commissioner Tate; Motion Carried.**

Cynthia Wright, applicant, appeared with her Principal Broker John Pillsbury to request licensure as an Affiliate Broker. Ms. Wright disclosed the following convictions: Shoplifting in June 1988, Shoplifting in October 1988, Violation of Probation in November 1988, Criminal Trespassing in October 1989, Theft of Property \$500.00 or less in August 1990, and Vandalism in November 1990. **Commissioner Northern made a motion to approve; seconded by Commissioner Tate; Motion Carried.**

James Brian Lamb, applicant, 315036, appeared with his Principal Broker Gerald "Wayne" Myers to request licensure as an Affiliate Broker. Mr. Lamb disclosed the following convictions: Theft between \$1000.00 and \$10,000 (Class D felony) in 1993, Possession of Marijuana and Possession of Drug Paraphernalia in 1998, and DUI in 2005. **Commissioner Alexander made a motion to deny; seconded by Vice-Chairman Stephenson; Motion Carried.**

Tracy Phillips, applicant, appeared with his Principal Broker Sharon Criminger to request licensure as an Affiliate Broker. Mr. Phillips disclosed a conviction of Shoplifting in 1985. **Commissioner Alexander made a motion to defer any decision regarding Mr. Phillips' licensure until the December meeting when Commission meets with East Tennessee auditor Bill Stewart about Mr. Phillips potential firm; seconded by Commissioner Flitcroft; Motion Carried.**

LICENSEE REQUESTS (revisited)

Susan Verlander, applicant, 313951, requested that the Commission consider her request to serve as principal broker of a firm in Brentwood, TN although she lives in Georgia. Ms. Verlander appeared to assure the Commission that she can adequately supervise her affiliates regardless of the distance between her home and the office. **Commissioner Alexander made a motion to deny; seconded by Commissioner Alexander; opened to discussion; Motion Carried; Commissioner Tate abstained.**

EDUCATION REPORT, DR. KATHY RIGGS, EDUCATION DIRECTOR

Dr. Riggs presented courses for Commission evaluation **(Exhibit 4)**. **Commissioner Collins made a motion to approve all but the following courses: "Scope of Work & Appraiser Due Diligence", "FHA, the URAR and the 1025", National USPAP Update Course", "Survey of the Cost Approach", Maintaining Control: Dealing with Client Pressure, etc."; seconded by Commissioner Northern; Motion Carried.**

Dr. Riggs presented to the Commission a request **(Exhibit 5)** from Mr. Lloyd Griffin asking that he be approved as an instructor although he does not meet all requirements. Mr. Griffith does not hold an active Broker license. Mr. Griffin is additionally requesting that some of the courses he has taken be counted toward his 120 hours of continuing education for a broker. He is also requesting that he not have to take the broker examination. **Commissioner Collins made a motion to approve subject to Mr. Griffin taking and passing the real estate broker examination; seconded by Commissioner Northern.** Chairman Haynes spoke on behalf of Mr. Griffin since he has a long-standing relationship with him. **Commissioner Collins withdrew his motion; Commissioner Northern withdrew his second; Commissioner Collins made a motion to approve Mr. Griffin as an instructor without taking the examination; seconded by Commissioner Tate; Motion Carried; Chairman Haynes abstained.**

Dr. Riggs presented a written report and made comments regarding her audit of the continuing education class offered by NAIOP. Dr. Riggs stated that the course was an excellent exchange of information.

Dr. Riggs presented a written and oral report on the Pass/Fail Ratio for schools. Vice-Chairman Stephenson asked Dr. Riggs to prepare a report outlining if the number of test takers has decreased in recent months due to decreased market activity. Chairman Haynes wants the results printed in the newsletter. Dr. Riggs advised the Commission that the report would be in the next edition of the newsletter. Commissioner Collins believes that action should be taken against schools with low scores. Dr. Riggs stated that she believes that at least a year of statistics should be collected before anyone loses their school approval. Commissioner Collins suggested that schools with a composite score of less than 70% should be sent a warning letter stating if they do not improve in the next three months, their approval may be revoked.

Regarding the newsletter, Chairman Haynes wants a story printed on page one to be continued on page two. He does not like that the stories are continued on page five or six.

Ms. Wiseman advised the Commission that she had called the Attorney General's office regarding rescinding the removal of the 50 mile rule. She advised the Commission that the rules do not automatically come back before the Commission. At any time before the rules are submitted to the Secretary of State's office, the Commission may readdress them. However, any substantial change to the proposed rules must be made in a new rule making hearing. The deletion of this rule qualifies as a substantial change. Chairman Haynes disputed Ms. Wiseman

stating that he had sat on a Commission that had made changes to proposed rules without a rule making hearing and that he wants Ms. Wiseman to contact Mary Moody, Deputy Commissioner of the Department of Commerce & Insurance. Ms. Wiseman asked the Commission to wait to vote on removing the rule from the proposed rule changes until she has the opportunity to speak with Ms. Moody. Vice-Chairman Stephenson pointed out that the removal of the 50 mile rule from the proposed rule changes does not in anyway negate the fact that a principal broker must devote their full-time supervision to their affiliates. Chairman Haynes feels that the deletion of the 50 mile rule has led principal brokers to believe that it is acceptable for them to live in another state from their firm and affiliates. Mr. J. Bucy, Director of Government Affairs for the Tennessee Association of Realtors, spoke regarding TAR's position on the deletion of the 50 mile rule. It is TAR's belief that the 50 mile rule should stand because it gives the presence of good supervision.

The Commission recessed for lunch at 12:05 p.m. and reconvened at 1:30 p.m.

Ms. Wiseman addressed the Commission regarding a decision made while she was absent from the room. Ms. Wiseman wanted to legally clarify her position on the decision to approve Lloyd Griffin as an instructor. Ms. Wiseman explained that is her opinion that the law does not allow someone who does not have a broker's license to be an instructor. Chairman Haynes deferred any discussion of Ms. Wiseman's concerns until later in the meeting, in order to proceed with the agenda.

EXECUTIVE DIRECTOR'S REPORT, EVE MAXWELL, EXECUTIVE DIRECTOR

Ms. Maxwell presented the following information to the Commission for review:

- **Complaint Statistics Report (Exhibit 7)** – TREC has a total of **555** open complaints. However, 13 of the 555 open complaints were staff generated Agreed Citations and 57 are complaints against Principal Brokers pursuant to Policy # 07-002 [Errors & Omissions Insurance]. There are 33 new complaints since the October meeting. There are 507 complaints in the legal department and 48 open complaints in the TREC office awaiting response. The total number of closed complaints for the current Fiscal Year 2007-2008 is 76. Total Civil Penalties paid in October were \$3,350.00. Ms. Maxwell addressed a question from the October meeting from Commissioner Alexander. He had inquired about the monetary difference between the FY2005-2006 and the FY2006-2007. Ms. Maxwell explained that TREC received a payment from Grand Partners for \$40,000 in FY2005-2006, therefore increasing the total significantly. Chairman Haynes wants to clarify the time that TREC should allow for a respondent to pay a consent order before they are brought in for a formal hearing. Commissioner Alexander suggested that if a respondent has not responded by 90 days or 60 days of receipt, Ms. Wiseman should start proceedings for a formal hearing. Ms. Wiseman explained that a person has 30 days from the date of receipt of the consent order to comply. Also a formal hearing must be noticed. Commissioner Alexander clarified that he wants Ms. Wiseman to develop a tracking record so unpaid consent orders are not outstanding for long periods of time. Ms. Wiseman explained that she does track the information. She can report the information to the Commission. Ms. Maxwell also explained that all past outstanding orders are currently being investigated and resolved. Commissioner Alexander made a recommendation that if a complaint is anonymous, it should be deferred until other complaints are presented to the Commission. Commissioner Collins asked if a license may be suspended or not renewed if someone does not pay

a consent order. Ms. Wiseman explained that TREC does not have the administrative authority to suspend or not renew a licensee.

- **TREC Manuals/Budget (Exhibit 6)** – Ms. Maxwell reported that Lexis Nexis will print and deliver 7,000 law manuals at \$3.99 per manual. A purchase order will be generated and the manuals will be purchased.
- **Steve Majchrzak, Assistant Commissioner of the Department of Commerce & Insurance** – Mr. Majchrzak presented an overview of the Education & Recovery Fund of the Tennessee Real Estate Commission. Chairman Haynes asked Mr. Majchrzak why the Commission does not have access to accrued interest that was not spent the previous years. Mr. Majchrzak explained how the Work Program amount is determined and how to receive a budget expansion. Requesting the monies the year prior so that may be included in the next year's budget is also an option. Mr. Majchrzak explained how the interest on the account is converted to principle. Chairman Haynes asked Mr. Majchrzak to return in December after the Commission has had an opportunity to review the budget materials presented. Vice-Chairman Stephenson asked Mr. Majchrzak why all the Commission members who are members of ARELLO are not allowed to attend the conferences. Mr. Majchrzak deferred any discussion until he could further investigate the matter. There was a brief discussion regarding claims made against the Education & Recovery Fund by complainants unable to receive restitution from the respondent.
- **Postcards** – Ms. Maxwell presented to the Commission a report on the renewal postcards that were recently sent to licensees whose licenses expire after 12/31/2007. She listed the problems associated with the postcards and potential solutions to the existing problems and explained the postcards will continue to be sent followed by a renewal form. The postcards will be redesigned to attract the attention of the licensee. The plan is that eventually licensees will become accustomed to the postcard process and the renewal notices may be eliminated unless specifically requested by the licensee. Ms. Maxwell explained that the administration has the authority to make the decision regarding whether postcards are sent to licensees in lieu of renewal forms. Commissioner Collins recommended that a notation be made on the postcards that their E&O insurance renewals will be sent by their insurance companies. Ms. Maxwell presented the statistics for how many licensees have renewed online instead of requesting paper renewals or paying directly through the revenue department or by hand delivering or mailing their payments directly to the TREC office. Of the 30% that have already renewed, 50% have renewed online. Commissioner Northern addressed the fact that many changes have been made recently in administrative processes and it has caused confusion. He would like the administration to begin working closely with the TREC staff and the Commission before decisions are made concerning the licensees.

Commissioner Alexander asked Ms. Maxwell if the auditors are going to attend a Commission meeting. Mr. Alexander also wants a report on all activity of the auditors. Ms. Maxwell advised the Commission that the auditors will be attending the December meeting.

Ms. Wiseman, staff attorney, readdressed the Commission regarding the approval of Mr. Griffin as an instructor. She referred the Commission to the rule 1260-5-.04 [Qualifications for Instructors]. It states that a person must be a licensed broker to be an instructor. She advised the Commission that there was little room for interpretation of the rule. She explained to the

Commission that they may make their own decision, but that she advises against it. The Commission took no action.

Commissioner Northern asked to address the Commission regarding an informal conference for James Lamb earlier in the day. His concern is that Mr. Lamb was denied because he had not been off probation for two years. Mr. Lamb was released from probation for his felony conviction in January of 2004. He was released from probation for a misdemeanor DUI conviction in April of 2006. Commissioner Northern pointed out that it has not been the policy of the Commission to require that an applicant be off probation for two years for a misdemeanor that did not involve theft of money or property. Staff asked for clarification on Policy 2005-CPS-001 so that they may be consistent with applicants.

Chairman Haynes adjourned the Commission Meeting November 7, 2007 at 3:35 p.m.

TENNESSEE REAL ESTATE COMMISSION Thursday, November 8, 2007

The Tennessee Real Estate Commission reconvened on November 8 2007, at 9:12 a.m., in Room 160, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. The following **Commission Members were present: Chairman Charles Haynes, Vice Chairman William (Bear) Stephenson, Commissioner Gary Cunningham, Commissioner Isaac Northern, Commissioner Grover Collins, Commissioner Wendell Alexander, Commissioner Carol Tate, and Commissioner David Flitcroft. Others Present: Eve Maxwell, Executive Director, Kathryn Wiseman, Staff Attorney, Mandy Brady, Legal Liaison, and Kelly McDermott, Administrative Secretary.**

Legal Report, Kathryn Wiseman, Staff Attorney (Exhibit)

- **2005038891 – Commissioner Collins made a motion to have the respondent attend a two day TREC meeting; seconded by Commissioner Alexander; Motion Carried; Commissioner Flitcroft abstained.**
- **2006025391 – Vice-Chairman Stephenson made a motion to send a letter of warning to the principal broker, issue a consent order with a civil penalty of \$1000.00, requiring 16 hours of continuing education and attendance at a two day TREC meeting; seconded by Commissioner Northern; Motion Carried; Commissioner Cunningham abstained; Commissioner Alexander abstained.**
- **2007070691 – Vice-Chairman Stephenson made a motion to issue a consent order with a civil penalty of \$100.00 per month of unlicensed activity (\$800.00 total) and attend a two day TREC meeting; seconded by Commissioner Collins; Motion Carried.**
- **2006020281 & 2006020282 – Commissioner Flitcroft made a motion that a consent order be issued to both respondents with a civil penalty of \$500.00 and requiring 8 hours of continuing education; additionally a letter of warning should be sent to both respondents; seconded by Commissioner Alexander; Motion Carried; Chairman Haynes abstained.**
- **2007058241 – Commissioner Cunningham made a motion that a consent order be issued for a six month license suspension or the respondent may appear for a formal hearing; seconded by Commissioner Northern; Motion Carried.**

- **2006040821 & 2006040822 – Commissioner Alexander made a motion to issue a consent order to both respondents for \$500.00 and a consent order to the principal broker for \$1000.00 and all must attend a two day TREC meeting; seconded by Commissioner Flitcroft; Commissioner Northern made a friendly amendment to the motion to include a requirement for 16 hours continuing education; Commissioner Alexander amended his original motion to include Commissioner Northern’s amendment; amended motion seconded by Commissioner Tate; Original Motion Carried; Amended Motion Carried; Commissioner Collins abstained from both votes.**

Commissioner Alexander requested that Dr. Kathy Riggs work with a real estate school to create a 16 hour contract writing course.

- **2007071201 – Commissioner Alexander made a motion to issue a consent order with a civil penalty of \$100.00; seconded by Commissioner Cunningham; Motion Carried; Vice-Chairman Stephenson and Chairman Haynes abstained. Commissioner Flitcroft made a motion to send an auditor to the firm; seconded by Commissioner Cunningham; Motion Carried; Vice-Chairman Stephenson and Chairman Haynes abstained.**
- **2007063501 & 2007063491 – Commissioner Flitcroft asked the case be deferred until the December meeting so that he may review the file.**
- **2006003781 – Commissioner Flitcroft asked the case be deferred until the December meeting so that he may review the file.**
- **2006032021 – Commissioner Collins made a motion to send a letter to the respondent’s attorney advising that the Commission stands by their original consent order with a civil penalty of \$1000.00. Additionally, if the respondent does not comply within 10 days of receipt of the consent order, he must appear for a formal hearing; seconded by Commissioner Alexander; Motion Carried.**
- **2005030121 – Commissioner Cunningham made a motion to advise that respondent that the initial consent orders stand which include a \$5,000.00 civil penalty to the principal broker, a \$1,500.00 civil penalty to the Team Leader, and a \$2,500.00 civil penalty to the affiliate or a formal hearing; seconded by Commissioner Flitcroft; Motion Carried; Commissioner Alexander abstained.**
- **2007062721 – Commissioner Northern made a motion to defer until the Auctioneer Commission determination; seconded by Commissioner Cunningham; Motion Carried.**
- **2006040691 – Commissioner Collins made a motion to dismiss; seconded by Commissioner Tate; Motion Carried.**
- **2007059981 & 2007059982 – Commissioner Northern made a motion to dismiss; seconded by Commissioner Collins; Motion Carried.**
- **2006036451 & 2006036452 & 2006036453 & 2006036454 – Commissioner Collins made a motion close and refer to Consumer Affairs; seconded by Commissioner Northern; Motion Carried.**
- **2007069891 & 2007069892 – Commissioner Flitcroft made a motion to keep the complaints open and track the pending civil and criminal litigation of the case; seconded by Vice-Chairman Stephenson; Motion Carried.**
- **2006043851 – Commissioner Flitcroft made a motion to keep the complaint open and track pending litigation; Motion Carried.**

- **2006038561 – Commissioner Collins made a motion to turn the complaint over to the Attorney’s General office and flag the respondent’s file seconded by Commissioner Cunningham; Vote: 6 Yes, 1 No; Motion Carried.**
- **2006046311 & 2006046312 – Vice-Chairman Stephenson made a motion to defer until Commissioner Flitcroft can review the file; seconded by Commissioner Alexander; Motion Carried.**

The following cases are violations for failure to maintain E & O insurance. In each case, the Respondent did not comply with the Agreed Citations which provided for a \$1000.00 civil penalty:

- **2007072601**
- **2007073111**
- **2007073321**
- **2007073731**
- **2007073751**
- **2007073761**
- **2007073801**
- **2007073861**
- **2007074521**
- **2007074931**
- **2007075111**
- **2007075291**
- **2007075451**
- **2007075881**
- **2007075891**
- **2007075931**
- **2007076211**
- **2007076331**
- **2007076361**
- **2007074601**

In all of the above cases, Commissioner Collins made a motion to authorize formal hearings and informal conferences. Also authorize Consent Orders providing for agreed indefinite suspension pending receipt of proof of E&O coverage and payment of \$3,000.00 civil penalty for failure to properly supervise affiliates.

The following cases are violations for failure to maintain E & O insurance. In each case, the Respondent, principal broker, did not comply with the Agreed Citations which provided for a \$1000.00 civil penalty per uninsured affiliate:

- **2007072701**
- **2007072931**
- **2007076101**
- **2007075631**
- **2007075471**
- **2007073481**
- **2007073561**

In all of the above cases, Commissioner Northern made a motion to authorize formal hearings and informal conferences. Also authorize consent orders providing for

agreed indefinite suspension pending receipt of proof of E&O policy and payment of a \$6,000.00 civil penalty for failure to properly supervise affiliates; seconded by Commissioner Collins; Motion Carried.

- **2006030781, 2006045351, 2006046631, 2007048461, 2007051491, 2007051711, & 2007048861 – Commissioner Northern made a motion close the file; seconded by Vice-Chairman Stephenson; Motion Carried.**
- **2007072641 – Commissioner Northern made a motion to close and flag the file for reapplication; seconded by Commissioner Collins; Motion Carried.**
- **2007047831 – Commissioner Collins made a motion to close and flag for reapplication; seconded by Commissioner Cunningham; Motion Carried.**
- **2005030181 – Commissioner Tate made a motion to dismiss; seconded by Commissioner Collins; Motion Carried.**
- **2006034911 – Commissioner Flitcroft made a motion to send a letter of warning and send a consent order requiring that the respondent attend 8 hours of continuing education; seconded by Vice-Chairman Stephenson; Motion Carried.**
- **2005025601 – Commissioner Collins made a motion to dismiss; seconded by Vice-Chairman Stephenson; Motion Carried.**
- **2006036851 – Commissioner Collins made a motion to dismiss; seconded by Commissioner Northern; Motion Carried.**
- **2007072411 – Commissioner Northern made a motion to issue a consent order with a civil penalty of \$3,000.00 or revocation; seconded by Commissioner Collins; Motion Carried.**
- **2006007661 & 2006007662 – Commissioner Collins made a motion to issue a consent order to the principal broker for a \$1,000.00 civil penalty to be paid within 30 days; seconded by Commissioner Flitcroft; Motion Carried.**
- **2006036021 – Vice-Chairman Stephenson made a motion to issue a consent order with a civil penalty of \$500.00 and requiring a course in contract writing and attendance at a two day TREC meeting; seconded by Commissioner Collins; Motion Carried; Commissioner Northern abstained.**

Ms. Wiseman explained to the Commission that many licensees have not attended the required meeting as a condition of reinstatement. She suggested alternatives to the requirement. The Commission stands by their policy. Chairman Haynes suggested that the Commission hold their meetings twice a year in Knoxville and Memphis in order to accommodate licensees who must attend. He stated that the Commission has the legislative authority to move the body to other venues in the state. Ms. Maxwell explained the cost involved with moving the meeting to East of West Tennessee. Ms. Wiseman explained that the meeting attendance requirement is inconsistent. The cost for a licensee to attend who resides in East Tennessee or West Tennessee is significantly more than for local licensees to attend. Ms. Wiseman suggested a revision of the reinstatement policy. Any further discussion was deferred and no action was taken.

Chairman Haynes stated that he and Commissioner Collins are speaking at the spring TAR convention the second week of March and that Ms. Wiseman should notice the appearance. He also expressed interest in rescheduling the March meeting.

Ms. Wiseman presented to the Commission a letter from the Coalition Center for Governmental Issues regarding whether agents can provide gift cards to their clients. **Commissioner**

Flitcroft made a motion to refer the matter to the Attorney's General office; seconded by Commissioner Collins; Motion Carried.

The discussion returned to the 50 mile rule. Chairman Haynes wants to pull the 50 mile rule. **Commissioner Alexander made a motion to rescind the deletion of Rule 1260-2-.01(2); seconded by Commissioner Collins; Opened to discussion; No further action was taken and there was no vote on the motion.**

The discussion returned to Lloyd Griffin. Ms. Wiseman addressed the legality of approving Mr. Griffin as an instructor. **Commissioner Flitcroft made a motion that Mr. Griffin must take the exam and obtain an affiliate broker license as a requirement for Commission approval; seconded by Vice-Chairman Stephenson; Motion Carried. Commissioner Cunningham made a motion that a report with all approved instructors and their license status be presented at the December meeting; seconded by Commissioner Alexander; Opened to discussion; Motion Carried.**

Ms. Wiseman presented a question for discussion. The situation is as follows. Two individuals are working at two different real estate companies who are both licensed and located at the same building. Licensee A is the principal broker of both companies. Licensee B is a broker and his license is hanging with one of the companies. He is an officer at both companies. They wish to know if the licensee B may have his broker license hanging at both companies at the same time since licensee A & B own both companies. It was determined that licensee B may not be affiliated with two firms.

Commissioner Reports

Commissioner Cunningham readdressed the attendance at the meeting as a condition of reinstatement. He pointed out that there were many attendees present that day that made the trip and that it is his hope that the Commission will remain consistent.

Commissioner Northern would like adequate seating be arranged for the meeting room for all attendees.

Vice-Chairman Stephenson advised the Commission that he has secured the meeting room for the meeting in Knoxville in October 2008.

Commissioner Alexander, Commissioner Tate, Commissioner Collins, and Commissioner Flitcroft thanked the attendees for their presence and their comments and the staff for their hard work.

Comments from Attendees

Chairman Haynes called for comments from the attendees.

Licensees who attended the Commission meeting in order to obtain continuing education credits appeared before the Commission and gave statements regarding what they had learned from the meeting.

Chairman Haynes adjourned the meeting November 8, 2007 at 12:17 p.m.

